

REMARKS

Applicants' attorney is appreciative of the interview granted by the Examiner on June 23, 2003. At that interview, amendments were proposed to Claim 70 to better define the method of the invention, and Claim 70 has now been amended in the manner proposed at the interview. In accordance with the amendment to Claim 70 and the previous restriction requirement, Applicants have cancelled Claims 17 through 39 and 42 through 69, and added a new set of Claims 71 through 91 which correspond to cancelled Claims 18 through 39.

Claims 17 through 25, 35 through 39 and 70 have been rejected under 35 USC 103 over Arima in view of Solar et al and Seguin et al.

The invention is directed to a method for improving dermis-epidermis with cohesion in a subject in need thereof in which an area of the epidermis of the subject is determined in which cohesion appears to be deficient, and a composition is applied to that area containing an amount of ellagic acid component sufficient to increase synthesis of collagen VII by the keratinocytes of the epidermis. At the interview, the Examiner expressed the opinion that the claim as it had been written did not sufficiently connect this increased synthesis with the improved cohesion, and Applicants have therefore

amended Claim 70 to add the phrase "and thereby improve cohesion of the dermis and epidermis."

It was further discussed at the interview that the Solar et al and Seguin et al references did not deal whatever with ellagic acid compounds, but related instead to other compounds, particularly extracts of African plums. Applicants submit that Solar et al and Seguin et al are therefore not relevant to the patentability of Claim 70, nor of any of the other claims which do not specifically recite compounds disclosed in or suggested by Solar et al and Seguin et al.

The only reference cited in the rejection that does discuss ellagic compounds is Arima et al, and Arima et al discloses that ellagic acid compounds are useful as skin whitening and lightening agents. There is no disclosure or suggestion in Arima et al of a method for improving dermis or epidermis cohesion, and no disclosure or suggestion that application of ellagic acid compounds increases synthesis of collagen VII by keratinocytes in the epidermis. Thus, the specific method steps of the invention cannot be found in Arima et al, and further, there is no disclosure or suggestion in Arima et al that ellagic acid compounds will increase dermis epidermis cohesion or improve collagen VII synthesis.

Arima et al does disclose that ellagic acid compounds may be combined with various plant extracts to obtain the benefits of such extracts, but there is no

disclosure or suggestion that ellagic acid compounds will by themselves improve dermis-epidermis cohesion or increase collagen VII synthesis. In this regard it is noted that the claimed invention is not directed to a composition, but rather to a method which is not disclosed or suggested by the cited references.

Because the references taken in combination do not disclose or suggest that ellagic acid compounds improve dermis-epidermis cohesion or increase collagen VII synthesis, Applicants submit that the claimed invention is patentable over the cited combination of references, and withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,

  
Fra J. Schultz  
Registration No. 28666

## APPENDIX

### IN THE CLAIMS:

70. (Amended) A method for improving dermis-epidermis cohesion in a subject in need thereof, comprising the steps of:

determining an area of the epidermis of the subject in which cohesion appears to be deficient; and

applying to said area a composition containing an amount of an ellagic acid component selected from the group consisting of ellagic acid, an ellagic acid salt, an ellagic acid metal complex, an ellagic acid monoether, an ellagic acid polyether, an ellagic acid monoacylated compound, and an ellagic acid polyacylated compound sufficient to increase synthesis of collagen VII by keratinocytes of the epidermis, and thereby improve cohesion of the dermis and epidermis, optionally in combination with a cosmetically acceptable excipient[,

whereby cohesion of the dermis and epidermis is improved].